

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA,	)	Criminal No.04-599(FSH)
	)	
	)	
v.	)	ORDER
	)	
ROY DEPACK,	)	
	)	July 1, 2009
Defendant.	)	
	)	

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**HOCHBERG, District Judge:**

This matter having come before the Court on the following motions by Roy DePack:  
Motion for Medical Treatment (dkt # 91), Motion to Appoint Counsel (dkt# 93), Motion for Downward Departure (dkt # 96), Motion for Medical Exam and Motion for Medical Treatment (dkt # 97), Motion Emergency to make decision on motion for Medical Treatment (dkt # 100);<sup>1</sup> and the Court noting that this criminal case was closed February 8, 2006; and the Court finding that repeatedly filing motions in a criminal case that has been closed for over 3 years is not the proper way for Mr. DePack to proceed with the above claims; and the Court directing Mr. DePack to file new actions in the appropriate district, for any of these motions with which he wishes to proceed,

**IT IS** on this 1<sup>st</sup> day of July, 2009,

**ORDERED** that Defendants' motions are all **DENIED**; and it is further

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<sup>1</sup> The Government has responded to all of Mr. DePack's motions. The Government indicates, and this Court finds, that Mr. DePack is not currently suffering from any emergent medical condition that requires this Court's intervention. Additionally, Mr. DePack is presently incarcerated in FCI Schuylkill in Minersville, Pennsylvania, which is situated in the Middle District of Pennsylvania. Accordingly, any action he wishes to bring pursuant to Bivens v. Six Unknown Named Agents, 403 U.S. 388 (1971), regarding any medical condition would have to be brought in the Middle District of Pennsylvania.

**ORDERED** that the Clerk of the Court is directed not to file any future motion in this closed criminal case, and should instead assign each new motion a new docket number for assignment by the Clerk's office.

/s/ Faith S. Hochberg

Hon. Faith S. Hochberg, U.S.D.J.